women, a husband may be guilty of larceny of his wife's property. *Hunt* v. *State* (Ark.), 79 S W. Rep. 769. Before the passage of the Married Woman's Laws in Virginia, it was held in conformity with the rule that goods stolen should be charged to be the property of some person by name or to the grand jurors unknown (*Barker's Case*, 2 Va. Cas. 122), that if the owner was a married woman, the property must be laid in her husband. *Hughes' Case*, 17 Gratt. 565, 94 Am. Dec. 498.

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EXECUTORS—IMMORALITY NO DISQUALIFICATION.—It is the duty of the court to grant letters testamentary to the executor named in the will if he or she is "legally competent." It is not necessary that his or her moral standards shall be above criticism. One is "legally competent" who could be appointed executor under the common law and who does not fall within the special disabilities or disqualifications mentioned in the statute. *Clark et al.* v. *Patterson*, Chicago Legal News, Aug. 20, 1904, citing *McGregor* v. *McGregor*, 3 Abbott's App. (N. Y.) 92; *Berry* v. *Hamilton*, 54 Am. Dec. 515; *In re Appeal of Smith*, 61 Conn. 420; *In re Banquier's Estate*, 88 Cal. 302; *Holliday* v. *Holliday*, 16 Ore. 147; *Kidd* v. *Bates*, 41 L. R. A. 154.

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NEGLIGENCE—TROLLEY SLIPPING FROM WIRE.—The slipping of a trolley pole from the wire by which an electric light globe was broken and plaintiff, a pedestrian, was injured, is held by the Supreme Court of Rhode Island not a pure accident, but *prima facie* negligence on the part of the street railway company. In discussing the point, the court says:

"An accident, according to the primary definition thereof as given in Webster's Unabridged Dictionary, is: 'An event that takes place without one's foresight or expectation; an event which proceeds from an unknown cause, or is an unusual effect of a known cause, and therefore not expected.' If, as stated by plaintiff's counsel in his brief, 'it is a well-known fact that trolley poles jump the wire from time to time from various causes, and that this is particularly true in going around curves, as in the case at bar,' we fail to see how it can be logically claimed that such an event is 'a pure accident' under the definition above given; for a thing which happens so often as to become a well-known fact and a matter of common knowledge, as the fact referred to doubtless is, can hardly be called a pure accident. Again, if it was a pure accident, the defendant was not called upon to anticipate it. But, even conceding that the slipping of the trolley pole from the wire was a pure accident, as argued, yet it certainly cannot be said, as a matter of law, at any rate, that it was an accident for which no person was responsible; for the trolley pole was a mechanical appliance connected with the running of an electric car which was being operated by the Union Railroad Company, an undoubtedly responsible person. If this trolley pole had not slipped from the wire, the accident would not have happened. And as it was *prima facie* negligence on the part of the street railway company in not keeping it on the wire where it belonged, or at any rate in not preventing it from coming in contact with said electric light

globe, such negligence, being the independent act of a responsible person, and intervening between the negligence of the defendant (if it was negligent in the premises) and the happening of the accident, broke the causal connection between the two, and hence became and was the proximate cause of the accident. See *Mahogany* v. *Ward*, 16 R. I. 497, 17 Atl. 860, 27 Am. St. Rep. 753." *Nelson* v. *Narragansett Electric Lighting Co.* (R. I.), 58 Atl. 802.

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LIABILITY OF SHERIFF OR HIS DEPUTIES FOR FAILING TO EXECUTE PROCESS WITH REASONABLE DILIGENCE.—It is the duty of a sheriff to have a sufficient number of deputies to execute the mandates of court within a proper and reasonable time; and want of time is no excuse for failure to execute process, or for delay in doing so. *Hallett* v. *Lee*, 3 Ala. 28; *Mullings* v. *Bothwell*, 29 Ga. 706; *Ross* v. *Weber*, 26 Ill. 221; *People* v. *Palmer*, 46 Ill. 398, 95 Am. Dec. 418; *Arberry* v. *Noland*, 25 Ky. 421; *Emanuel* v. *Cocke*, 36 Ky. 212; *Bottom* v. *Breed*, 4 La. 344; *Guiterman* v. *Sharvey*, 46 Minn. 183, 48 N. W. Rep. 780, 24 Am. St. Rep. 218. Neither can he excuse himself from the service of process because it is erroneous, or irregular. *Mitchusson* v. *Wadsworth*, 1 White & W. Civ. Cas. Ct. App. (Tex.) sec. 976; *Stoddard* v. *Tarbell*, 20 Vt. 321; *Martin* v. *Hall*, 70 Ala. 421; *Howe* v. *White*, 49 Cal. 658; *Armstrong* v. *Jones*, 34 Ga. 309; *Kemp* v. *Williams*, 43 Ga. 211; *Singer Machine Co.* v. *Barnett*, 76 Ga. 377; *Allen* v. *Johnson*, 27 Ky. 235; *Commonwealth* v. *O'Cull*, 30 Ky. 149, 23 Am. Dec. 393; *Arnold* v. *Commonwealth*, 47 Ky. 109; *Steele* v. *Crabtree*, 40 Neb. 420, 58 N. W. Rep. 1022; *French* v. *Willett*, 17 N. Y. Super. Ct. 649; *Bank* v. *Pettes*, 13 Vt. 395. Where, however, the process is void a sheriff is not liable for failure to execute it. *Graham* v. *Chandler*, 15 Ala. 342; *State* v. *Forry*, 64 Ind. 260; *Williams* v. *Hall*, 32 Ky. 97; *French* v. *Willet*, 17 N. Y. Super. Ct. 649; *Newburg* v. *Munchower*, 29 Ohio St. 617, 23 Am. Rep. 769; *Hill* v. *Wait*, 5 Vt. 124. Failure to designate property of defendant on which levy, or to prove that sheriff knew of such property, is an excuse for not levying immediately. *Fisher* v. *Gordon*, 8 Mo. 386; *Taylor* v. *Wimer*, 30 Mo. 126; *State* v. *Ownby*, 49 Mo. 71; *Batte* v. *Chandler*, 53 Tex. 613.

Other excuses may be mentioned as follows: Failure to notify officer of the necessity of early service is sometimes an excuse. *Bloomfield* v. *Jones*, 2 La. Ann. 936; *State* v. *Blanch*, 70 Ind. 204. Where the execution of a writ would amount to a trespass, a sheriff is excused. *Campbell* v. *Sherman*, 35 Wis. 103. When execution is addressed "to any sheriff of the state of Alabama," sheriff is excused for failing to levy. *Governor* v. *Lindsay*, 14 Ala. 658. Where defendant had no property that could be levied on at the time, sheriff is excused. *Governor* v. *Campbell*, 7 Ala. 566. Pending a trial of the right of property under a former levy, sheriff excused for failure to levy a subsequent execution. *Hill* v. *Reitz*, 24 Ill. App. 391. Where title of property is vested in another, sheriff is excused. *Ammonette* v. *Crandell*, 10 La. Ann. 174; *Redus* v. *State*, 54 Miss. 712. That defendant was out of jurisdiction is an excuse. *State* v. *Ferguson*, 13 Mo. 166.